

**REMARKS**

This is in response to the Office Action dated May 2, 2006. Claims 1-40 are pending.

Applicant notes with appreciation the Examiner's allowance of claims 1-6, 13-18, 25-26, 29-30, 33-34, and 37-38.

Claim 7 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Tsukuda in view of Saiki. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 7 requires "a magnetic layer, made of amorphous magnetic material, for magnetically recording information, and subsequent layers provided on the magnetic layer; wherein the magnetic layer has bumps on a surface thereof, height of the bumps on a surface of the magnetic layer is not less than 2% with respect to an average layer thickness of the magnetic layer, and the bumps propagated through to the surfaces of the subsequent layers are provided with a shape different to that of the bumps on the surface of the magnetic layer."

The cited art fails to disclose or suggest these features of claim 7.

The Office Action contends that Tsukuda discloses all features of claim 7 except that of using a magnetic layer made of amorphous magnetic material. The Office Action cites Saiki for an alleged opto-magnetic recording medium having an opto-magnetic layer made of amorphous magnetic material. The Office Action contends that it would have been obvious to replace the optical layers of Tsukuda with the amorphous opto-magnetic layer of Saiki. This alleged combination/modification is traversed, as it is improper and would render Tsukuda inoperable for its intended purpose; see M.P.E.P. Section 2143.01.

Tsukuda is directed to an optical disc, such as a CD, whose operating principles rely on a laser beam incident on land and groove patterns being reflected in a predictable manner. Saiki,

on the other hand, is directed to an opto-magnetic disc, which utilizes a laser to heat a portion of a magnetic disc so as to detect or change the magnetization of that portion of the disc, whereby data is read or stored.

By modifying the optical disc of Tsukuda so as to include an amorphous magnetic layer of Saiki, Tsukuda is rendered inoperable (i.e., destroyed) for its intended purpose. Specifically, such a combination would render Tsukuda unable to properly modulate an incident laser beam, and data could not be properly read from the disc. Accordingly, one of ordinary skill in the art would never have modified Tsukuda by replacing the optical layers of Tsukuda with the amorphous opto-magnetic layer of Saiki as alleged in the Office Action, because this would destroy the operability and functionality of the base reference to Tsukuda.

Furthermore, the alleged motivation to combine in the Office Action lacks merit. The Office Action contends that one would combine Saiki with Tsukuda to provide Tsukuda with saturation magnetization and to reduce film thickness of the medium. It is pointed out that because Tsukuda concerns an optical disc, there is no need to provide the disc of Tsukuda with magnetization. Moreover, there is no disclosure from Sakai that the amorphous magnetic layer would reduce thickness of the medium. Thus, the alleged motivation to combine set forth in the Office Action is illogical and unreasonable.

For the reasons set forth above, all Section 103(a) rejections in the Office Action lack merit and should be withdrawn. Thus, claims 7-9, 19-21, 27, 31, 35 and 39 are in condition for allowance.

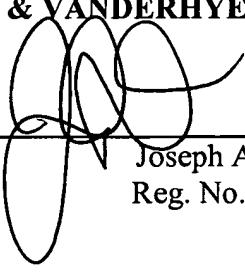
Still further, neither Tsukuda nor Saiki teach or suggest that the height of bumps are not less than 2% of the average thickness of the amorphous magnetic layer as called for in claim 7. The rejection lacks merit for this reason as well.

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It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

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